

STATE OF WISCONSIN
Senate Journal
Ninety–Ninth Regular Session

THURSDAY, December 17, 2009

The Chief Clerk makes the following entries under the above date.

CHIEF CLERK'S ENTRIES

AMENDMENTS OFFERED

Senate amendment 1 to **Senate Bill 362** offered by Senator Hansen.

Senate amendment 1 to **Senate Bill 368** offered by Senator Carpenter.

SENATE ENROLLED PROPOSALS

The Chief Clerk records:

Senate Bill 66

Report correctly enrolled on 12–17–2009.

The Chief Clerk makes the following entries dated **Tuesday, December 15, 2009**.

**INTRODUCTION, FIRST READING, AND
REFERENCE OF PROPOSALS**

Read first time and referred:

Senate Bill 422

Relating to: designation of an official state automotive museum.

By Senators Kanavas and Taylor; cosponsored by Representatives Pridemore, Strachota, Townsend, Gunderson and Knodl.

To committee on **Ethics Reform and Government Operations**.

Senate Bill 423

Relating to: library boards of public libraries established in a first class city.

By Senators Coggs and Taylor; cosponsored by Representatives Colon, Fields, Zepnick, A. Williams, Toles, Richards and Cullen.

To committee on **Labor, Elections and Urban Affairs**.

Senate Bill 424

Relating to: regulating certain sport shooting ranges.

By Senators Kreitlow, Taylor, Plale, Lehman, Schultz, Harsdorf, Kedzie and Hansen; cosponsored by Representatives Hubler, Suder, Zigmunt and Ripp.

To committee on **Judiciary, Corrections, Insurance, Campaign Finance Reform, and Housing**.

Senate Bill 425

Relating to: creating a nonrefundable individual income tax credit for certain amounts relating to health savings accounts that may be deducted from, or are exempt from, federal income taxes.

By Senators Kreitlow, Sullivan, Vinehout, Holperin, Lehman, Plale, Taylor, Schultz and Hansen; cosponsored by Representatives Dexter, Zigmunt, Clark, Danou, Fields, Hilgenberg, Hraychuck, Hubler, Jorgensen, Molepske Jr., Pasch, Smith, Soletski, Staskunas, Turner, A. Williams and Ziegelbauer.

To committee on **Health, Health Insurance, Privacy, Property Tax Relief, and Revenue**.

Senate Bill 426

Relating to: the format and fees for obtaining copies of public records.

By Senators Kreitlow, Taylor and Lehman; cosponsored by Representatives Dexter, Clark, Berceau, A. Williams and Petersen.

To committee on **Ethics Reform and Government Operations**.

Senate Bill 427

Relating to: expanding the types of governmental units that may participate in a joint local governmental self–insured health insurance plan.

By Senators Kreitlow, Coggs and Taylor; cosponsored by Representatives Dexter, Hilgenberg, Ballweg and Petrowski.

To committee on **Health, Health Insurance, Privacy, Property Tax Relief, and Revenue**.

Senate Bill 428

Relating to: seasonal weight limitations for certain vehicles transporting agricultural crops.

By Senators Kreitlow, Taylor, Erpenbach, Schultz, Harsdorf and Olsen; cosponsored by Representatives Petrowski, Smith, Clark, Gunderson, Suder, Ripp, Townsend, M. Williams, Tauchen and Ballweg.

To committee on **Transportation, Tourism, Forestry, and Natural Resources**.

Senate Bill 429

Relating to: establishing a presumption for employment–connected communicable diseases for fire fighters, emergency medical service providers, law enforcement officers, and certain correctional employees.

By Senators Sullivan, Coggs, Wirch, Lehman, Robson, Hansen and Vinehout; cosponsored by Representatives Sinicki, Berceau, Vruwink, Danou, Milroy, Hraychuck, Bies, Mason, Pocan, Van Roy, A. Ott, Friske, Steinbrink, Bernard Schaber, Seidel, Young, Zepnick, Parisi, Sherman and Turner.

To joint survey committee on **Retirement Systems**.

REPORT OF COMMITTEES

**State of Wisconsin
Office of the Secretary of State**

December 15, 2009

The Honorable, the Legislature:

<u>Bill Number</u>	<u>Act Number</u>	<u>Publication Date</u>
Senate Bill 204	Act 95	December 28, 2009
Senate Bill 41	Act 96	December 28, 2009
Senate Bill 278	Act 97	December 28, 2009

Sincerely,
DOUGLAS LA FOLLETTE
Secretary of State

The Chief Clerk makes the following entries dated **Wednesday, December 16, 2009.**

**INTRODUCTION, FIRST READING, AND
REFERENCE OF PROPOSALS**

Read and referred:

Senate Resolution 8

Relating to: urging and authorizing the attorney general to pursue every legal means available to prevent Asian carp from entering the Great Lakes.

By Senators Miller, Plale, Wirch, Cowles, Lehman, Robson, Olsen, Lazich, Carpenter and Hansen.
To committee on **Senate Organization**.

Read first time and referred:

Senate Bill 430

Relating to: collective bargaining over health care coverage for municipal employees, allowing municipal employers to change health care coverage plan providers, and requiring the exercise of rule-making authority.

By Senators Darling, Grothman, Lazich and A. Lasee; cosponsored by Representatives Vukmir, J. Ott, Kramer, LeMahieu, Strachota, Murtha, Bies, Zipperer, Vos, Townsend, Kaufert, Gunderson and Honadel.
To committee on **Labor, Elections and Urban Affairs**.

Senate Bill 431

Relating to: the use of the terms college, university, state, and Wisconsin in the name of a school; the issuing, manufacture, or use of a false academic credential; the false use of a legitimate academic credential; making an appropriation; and providing a penalty.

By Senators Risser, Vinehout and Taylor; cosponsored by Representatives Hixson, Danou, Townsend, A. Williams, Benedict and Parisi.
To committee on **Agriculture and Higher Education**.

PETITIONS AND COMMUNICATIONS

Pursuant to Senate Rule **17 (5)**, Representative Hintz withdrawn as a cosponsor of **Senate Bill 405**.

The committee on **Economic Development** reports and recommends:

Senate Bill 409

Relating to: a postsecondary education tax credit for businesses; increasing annual limits on angel investment tax credits; awarding grants to the WiSys Technology Foundation, Inc.; business plan competitions and an emerging technology center in the University of Wisconsin System; rural outsourcing grants; requiring the Department of Commerce to award grants to a high-technology business development corporation and grants for converting manufacturing facilities; increasing funding for certain economic development programs; a pilot program providing microloans for the creation of new businesses; increasing funding for certain technical college training program grants; providing an exemption from emergency rule procedures; granting rule-making authority; and making appropriations.

Introduction of Senate Substitute Amendment 1.

Ayes, 7 – Senators Lassa, Lehman, Vinehout, Kreitlow, Kanavas, Darling and Leibham.

Noes, 0 – None.

Adoption of Senate Substitute Amendment 1.

Ayes, 7 – Senators Lassa, Lehman, Vinehout, Kreitlow, Kanavas, Darling and Leibham.

Noes, 0 – None.

Passage as amended.

Ayes, 7 – Senators Lassa, Lehman, Vinehout, Kreitlow, Kanavas, Darling and Leibham.

Noes, 0 – None.

JULIE LASSA
Chairperson

The committee on **Judiciary, Corrections, Insurance, Campaign Finance Reform, and Housing** reports and recommends:

MOESSNER, JEFFREY, of Eau Claire, as a member of the Council on Domestic Abuse, to serve for the term ending July 1, 2011.

Confirmation.

Ayes, 4 – Senators Taylor, Sullivan, Erpenbach and Grothman.

Noes, 1 – Senator Hopper.

Senate Bill 375

Relating to: the exchange of electronic records contained in the Consolidated Court Automation Program and in the Statewide Automated Child Welfare Information System between the director of state courts and the Department of Children and Families and providing a penalty.

Adoption of Senate Substitute Amendment 1.

Ayes, 4 – Senators Taylor, Sullivan, Erpenbach and Hopper.

Noes, 1 – Senator Grothman.

Passage as amended.

Ayes, 5 – Senators Taylor, Sullivan, Erpenbach, Grothman and Hopper.

Noes, 0 – None.

LENA TAYLOR
Chairperson

The committee on **Labor, Elections and Urban Affairs** reports and recommends:

Assembly Bill 142

Relating to: requiring a license to engage in the practice of landscape architecture.

Concurrence.

Ayes, 3 – Senators Coggs, Wirch and Lehman.

Noes, 2 – Senators A. Lasee and Grothman.

Assembly Bill 165

Relating to: expanding the types of property that may be specially assessed by a neighborhood improvement district.

Concurrence.

Ayes, 3 – Senators Coggs, Wirch and Lehman.

Noes, 2 – Senators A. Lasee and Grothman.

Senate Bill 168

Relating to: supervision of barber or cosmetologist apprentices.

Passage.

Ayes, 5 – Senators Coggs, Wirch, Lehman, A. Lasee and Grothman.

Noes, 0 – None.

SPENCER COGGS
Chairperson

PETITIONS AND COMMUNICATIONS

Pursuant to Senate Rule [17 \(5\)](#), Senator Lassa added as a coauthor of **Senate Resolution 8**.

**State of Wisconsin
Office of Senator Judith Robson**

November 10, 2009

The Honorable, The Senate:

Pursuant to Senate Rule [75](#), please have the Senate Journal reflect how I would have voted had I been present for the roll call votes taken on Tuesday, November 5, 2009:

Confirmation of the Appointments en masse: Aye

Confirmation of Terese Berceau: Aye

Confirmation of Robert Dueholm: Aye

Adoption SA 5 to Senate Bill 40: Nay

Uphold the decision of the chair on SA 6 to Senate Bill 40: Aye

Passage of Senate Bill 40: Aye

Passage of Senate Bill 66: Aye

Passage of Senate Bill 184: Aye

Concurrence of Assembly Bill 250: Aye

Passage of Senate Bill 244: Aye

Passage of Senate Bill 290: Aye

Table SA 4 to Senate Bill 331: Aye

Table SA 6 to Senate Bill 331: Aye

Table SA 7 to Senate Bill 331: Aye

Table SA 8 to Senate Bill 331: Aye

Passage of Senate Bill 331: Aye

Passage of Senate Bill 371: Aye

Reject SA 2 to Senate Bill 372: Aye

Reject SA 4 to Senate Bill 372: Aye

Reject SA 5 to Senate Bill 372: Aye

Passage of Senate Bill 372: Aye

Concurrence of Assembly Bill 138: Aye

Concurrence of Assembly Bill 174: Aye

Please contact me if you have any questions pertaining to this matter.

Sincerely,
JUDITH B. ROBSON
State Senator, 15th Senate District

**State of Wisconsin
Office of the Governor**

December 17, 2009

This letter is to remove the appointment of Anthony Evers from consideration for confirmation by the Wisconsin State Senate.

Pursuant to ss. [15.91](#) and [15.94\(1m\)](#) of the Wisconsin Statutes, Anthony Evers, as State Superintendent of Public Instruction, is an ex-officio member on both the Board of Regents and the Wisconsin Technical College System Board, and therefore does not require executive appointment or confirmation by the Senate.

Respectfully Submitted,
JIM DOYLE
Governor

University of Wisconsin System

December 14, 2009

The Honorable, The Legislature:

The 1999–2001 State of Wisconsin Biennial Budget, [1999 Wisconsin Act 9](#), included a provision to change the University of Wisconsin System’s appropriation for tuition and fee revenues (Academic Student Fees, Fund 131) from an annual, sum certain appropriation to a continuing appropriation.

Wisconsin Act 9 required the Board of Regents to report annually, beginning on December 15, 2000, the amount by which actual expenditures in the previous fiscal year, in this case 2008–09, exceeded the amount in the schedule for that appropriation in the previous fiscal year. That report, including the purposes for which the additional revenues were spent and the amount spent for each purpose, is attached.

Please contact Lynn Paulson at (608) 263–7481 if you have any questions related to this report.

Sincerely,
DEBORAH A. DURCAN
Vice President for Finance

**State of Wisconsin
Department of Health Services**

December 14, 2009

The Honorable, The Legislature:

I am transmitting the Report of the Committee to Study Intermediate Care Facilities for the Mentally Retarded (ICFs–MR) in Wisconsin. This Committee was established pursuant to [2009 Wisconsin Act 28](#), the 2009–11 biennial budget bill, and was charged with studying the need for existing ICFs–MR in maintaining an effective, high-quality, planned system of services for person with developmental disabilities.

The Committee found that Wisconsin has a strong long-term care system for serving people with developmental

disabilities, with quality services both in institutional and in community-based settings. The Committee also concluded that the state needs an array of service capacities for people with developmental disabilities to both meet the range of needs across individuals and the varying needs a single individual may have over his or her lifetime. The Committee developed a set of recommendations designed to enhance the quality, access, and choice of long-term care services for persons with developmental disabilities in Wisconsin.

I wish to recognize and express appreciation to the members of this Committee for the time, energy, and thought that they devoted to this important issue.

Sincerely,
KAREN TIMBERLAKE
 Secretary

**State of Wisconsin
 Government Accountability Board**

December 15, 2009

The Honorable, The Senate:

The following lobbyists have been authorized to act on behalf of the organizations set opposite their names.

For more detailed information about these lobbyists and organizations and a complete list of organizations and people authorized to lobby the 2009–2010 session of the legislature, visit the Government Accountability Board’s web site at:

Capecchi, Robert	Marijuana Policy Project
Childress, Jason	National Association of Professional Employer Organizations
Wilson, A.J.	Iron Workers Local Union #8

Also available from the Wisconsin Government Accountability Board are reports identifying the amount and value of time state agencies have spent to affect legislative action and reports of expenditures for lobbying activities filed by organizations that employ lobbyists.

Sincerely,
KEVIN KENNEDY
 Director and General Counsel

**State of Wisconsin
 Legislative Audit Bureau**

December 17, 2009

The Honorable, The Legislature:

We have completed the final phase of our evaluation of the effectiveness of child care regulation, including an audit of Wisconsin Shares, as requested by the Joint Legislative Audit Committee. More than 11,000 child care facilities were either licensed by the Department of Children and Families (DCF) or certified by county and tribal agencies during all or part of fiscal year (FY) 2008–09. In June 2009, 60.2 percent of the regulated facilities received \$25.6 million in Wisconsin Shares subsidy

payments to care for the children of low-income working families and participants in W-2, the State’s welfare-to-work program.

In FY 2008–09, DCF spent \$13.6 million for the regulation and oversight of licensed and certified child care facilities and the administration of Wisconsin Shares. County and tribal agencies spent \$15.4 million to regulate certified facilities. State, county, and tribal regulatory staff inspect licensed and certified facilities and evaluate their compliance with child care rules, which are designed primarily to address health and safety concerns. However, as of June 30, 2009, 617 licensed facilities were overdue for a regulatory visit by DCF. In contrast, county and tribal regulatory agencies generally met the timeliness standards DCF has established for them.

All regulatory staff are required to issue written citations when they identify violations of child care rules, and they may address serious or persistent violations with progressively severe sanctions that include suspension or revocation. However, because regulatory staff cannot rate the severity of violations they cite, DCF cannot effectively use information maintained in statewide licensing and certification databases to target higher-risk facilities for increased regulatory attention.

We continued our efforts to identify operators of child care facilities, members of their households, and employees convicted of certain crimes. We found eight instances in which convicted felons or individuals who had abused or neglected children were employed by or reported living in child care facilities. We also identified 317 individuals whose past criminal offenses require further investigation.

Throughout 2009, the Legislature and DCF have taken numerous steps to restore public confidence in Wisconsin Shares and to aggressively address fraud and abuse. Our report recommends continued monitoring of DCF’s progress in implementing these changes.

We appreciate the courtesy and cooperation extended to us by DCF, the Department of Justice, and the county agencies we contacted during our evaluation.

Sincerely,
JANICE MUELLER
 State Auditor

**REFERRALS AND RECEIPT OF COMMITTEE
 REPORTS CONCERNING PROPOSED
 ADMINISTRATIVE RULES**

The committee on **Environment** reports and recommends:

Senate Clearinghouse Rule 05–058

Relating to minimum standards for county shoreland zoning ordinances.

No action taken.

MARK MILLER
 Chairperson